

## REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1-46 are pending in the application. Claims 1-2, 4, 14-15, 19-20, 34-35, 42, and 46 have been amended. Claim 45 has been canceled.

The Examiner objected to Claim 45 as being a duplicate of Claim 44. Applicants have cancelled Claim 45. Applicants respectfully submit that the rejection has been obviated.

The Examiner rejected Claims 1, 3, 4, 5, 9, 14, 16-19, 21-24, 28, 29, 34, 36-39, and 40 under 35 U.S.C. 102(e) as being anticipated by Kolls. Applicants reserve the right to swear behind Kolls. Applicants respectfully traverse the rejections for at least the reasons discussed below.

The present invention as claimed teaches receiving digital content automatically from a computer system via a wireless LAN based on user defined preferences input into the computer system when the first wireless transceiver is within range of a second wireless transceiver associated with the computer system. The computer system is located externally and remotely with respect to the automobile and at least some of the digital content is obtained while the first wireless transceiver is outside the range of the second wireless transceiver. Therefore, the computer system operates to obtain content based on user-defined preferences even when the automobile cannot communicate with the computer system, e.g., when the two are not within range of each other. Kolls does not disclose that digital content is obtained from a WAN, based on user defined preferences input into the remote computer system, while a wireless LAN is not within range of the wireless transceiver of an automotive storage and playback device, and providing that content to the automotive storage and playback device. Therefore, Kolls does not

disclose all of the limitations in the present invention as claimed and, thus, does not anticipate the present invention as claimed.

In fact, Kolls maintains user preferences regarding content to be downloaded from the vehicle itself. Kolls does not teach, mention, or disclose having user preferences remote from the automobile. Kolls does disclose having trip parameters programmed externally, but these trip parameters are not content to be downloaded. Thus, in view of the above, Applicants respectfully submit that Kolls does not anticipate the present invention as claimed.

The Examiner rejected Claims 2, 15, 20 and 35 under 35 U.S.C. 103(a) as being unpatentable over Kolls in view of Cannon et al. Applicants respectfully traverse the rejections for at least the reasons discussed above with respect to claim 1. The Examiner is respectfully requested to withdraw the rejections.

Furthermore, Bluetooth refers to a wireless communication technology whose protocols include general wireless transceiver discovery messages. That is, one Bluetooth radio can discover another Bluetooth radio device. However, the application level protocol that is set forth in the claims is for the broadcasting of discovery messages by the automotive storage device for the purpose of transferring content from a computer system. More specifically, discovery messages are broadcast by control firmware, via the wireless network, to a system control application running on computer system, for the purpose of discovering an instance of the system control application on a computer system. After such a discovery, the digital content can be downloaded. This feature is not disclosed in Kolls, nor in Cannon. In fact, Cannon is silent with regard to using discovery messages to facilitate the download of content between the system control application and control firmware as set forth in the claims. Furthermore, since the discovery messages pertain to the control firmware and system control application, which are

software applications, the inventor would not look to Cannon, a patent on Bluetooth transceivers, for discovery message art. In view of this lack of teaching, Applicants respectfully submit that the present invention is not obvious in view of Kolls and Cannon.

The Examiner rejected Claims 6-8 and 25-27 under 35 U.S.C. 103(a) as being unpatentable over Kolls in view of Lee et al. Applicants reserve the right to swear behind Lee. Lee discloses an Internet radio that may be used in an automobile. That is, Lee merely discloses a single hardware platform including a motherboard, a flat panel display, a stereo amplifier, speakers, a microphone, audio inputs, peripheral devices, a button controller, a shortwave radio, and a global positioning system receiver. However, Lee fails to disclose a head unit in the platform. Furthermore, Lee does not disclose that digital content is obtained from a WAN, based on user defined preferences input into the remote computer system, while a wireless LAN is not within range of the wireless transceiver of an automotive storage and playback device and providing that content to the automotive storage and playback device. Thus, Lee does not overcome the deficiencies of Kolls. Therefore, the combination of Kolls and Lee does not disclose all of the limitations in the present invention as claimed, and the combination does not render obvious the present invention as claimed in Claims 6-8 and 25-27.

The Examiner rejected Claims 10 and 30 under 35 U.S.C. 103(a) as being unpatentable over Kolls in view of Kikinis. Applicants respectfully traverse the rejections for at least the reasons discussed above with respect to claim 1. The Examiner is respectfully requested to withdraw the rejections.

The Examiner rejected Claims 11 and 31 under 35 U.S.C. 103(a) as being unpatentable over Kolls in view of Obradovich. Applicants respectfully traverse the rejections for at least the

reasons discussed above with respect to claim 1. The Examiner is respectfully requested to withdraw the rejections.

The Examiner rejected Claims 12, 13, 32, and 33 under 35 U.S.C. 103(a) as being unpatentable over Kolls in view of Berberich et al. Berberich is related to disk drives and is focused on their problems, including the dropping and mishandling of a disk drive or a laptop computer with a disk drive installed by a user or during shipping. Berberich does not disclose, mention, or suggest the use of such a device inside a vehicle. Therefore, one of ordinary skill in the art faced with the problem solved by Applicants would not have been motivated to look to the teachings of Berberich for a solution. Thus, neither Kolls nor Berberich provides any motivation to one of ordinary skill in the art to be combined with each other. Moreover, even if the two were combined, Berberich does not disclose that digital content is obtained from a WAN, based on user defined preferences input into the remote computer system, while a wireless LAN is not within range of the wireless transceiver of an automotive storage and playback device and providing that content to the automotive storage and playback device. Thus, Berberich does not overcome the deficiencies of Kolls. Therefore, the combination of Kolls and Berberich does not disclose all of the limitations in the present invention as claimed, and the combination does not render obvious the present invention as claimed in 12, 13, 32 and 33.

The Examiner rejected Claims 42-44 and 46 under 35 U.S.C. 103(a) as being unpatentable over Kolls in view of Cannon et al. Applicants respectfully traverse the rejections for at least the reasons discussed above with respect to claim 1. The Examiner is respectfully requested to withdraw the rejections.

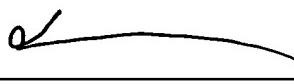
Accordingly, Applicants respectfully submit that the rejections under 35 U.S.C. §102(e) and §103(a) have been overcome by the remarks and withdrawal of these rejections is respectfully requested. Applicants submit that claims 1-46 as amended are now in condition for allowance and such action is earnestly solicited.

Please charge any shortages and credit any overcharges to our Deposit Account No. 02-2666.

Respectfully submitted,

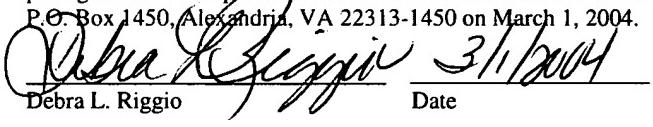
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Dated: 3/1, 2004

  
\_\_\_\_\_  
Michael J. Mallie  
Attorney for Applicants  
Registration No. 36,591

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 1, 2004.

  
Debra L. Riggio

3/1/04  
Date